

NOV. 7. 2005 2:15PM
TO: USPTO

ZILKA-KOTAB, PC

NO. 0856 P. 1

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SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660


FAX COVER SHEET

Date: November 7, 2005	Phone Number	Fax Number
To: Commissioner of Patents, USPTO		(571) 273-8300
From: Dominic M. Kotab		

Docket No.: IBM1P008/SJ09-2001-0135US1

App. No: 09/938,457

Total Number of Pages Being Transmitted, Including Cover Sheet: 13

<p>Message:</p> <p>Please deliver to the Commissioner of Patents.</p> <p>Thank you,  Dominic M. Kotab</p>
--

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November 7, 2005

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NOV 07 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)

Robert G. BISKEBORN)

Application No. 09/938,457)

Filed: 08/23/2001)

For: PIN ADAPTER FOR AIR)
BEARING SURFACE (ABS))
LAPPING AND METHOD FOR)
USING THE SAME)

Group Art Unit: 3724

Examiner: ELEY, Timothy V.

Attorney Docket No.

IBM1P008/SJO9-2001-0135US1

Date: November 7, 2005

CERTIFICATE OF FACSIMILEI hereby certify that this correspondence is being facsimile
transmitted to the Commissioner for Patents via facsimile to fax
number: (571) 273-8300 on November 7, 2005.Signed: 

Erica L. Farlow

REQUEST FOR STATUS OF PETITION TO WITHDRAW HOLDING OF ABANDONMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests the status of the Petition to Withdraw Holding of Abandonment of the above-referenced patent application. The petition was filed on June 7, 2005, and no decision has been received as of this date. For your convenience we are submitting a copy of the petition as well as the Auto-Reply Facsimile Transmission sheet we received upon filing of the petition.

Should you have any questions, or require further assistance, please do not hesitate to contact the undersigned at the numbers listed below.

Respectfully submitted
Zilka-Kotab, PCDominic M. Kotab
Reg. No. 42,762P.O. Box 721120
San Jose, CA 95172-1120
(408) 971-2573

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Auto-Reply Facsimile Transmission



TO: Fax Sender at 408 971 4660

Fax Information

Date Received:

Total Pages:

6/7/2005 5:10:34 PM [Eastern Daylight Time]

10 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

JUN 07 05 02:12p SVIPG 408 971 4660 P. 1

ZILKA-KOTAB
PC
ZILKA-KOTAB & ASSOCIATES

43 SOUTH MARKET ST., SUITE 420
SAN JOSE, CA 95113

TELEPHONE (408) 971-4573
FAX (408) 971-4660

KAN CO PLM STREET

Date: June 7, 2005	Phone Number:	Fax Number:
To: Petition Division, USPTO		(703) 572-6300
From: Dominik M. Kotab		

Packet No.: 12041P00065/09-2004-0125051 App. No: 09/938,457

Total Number of Pages Being Transmitted, including Cover Sheet: 10

Message:

Please deliver to the Petition Division.

Thank you,

Dominik M. Kotab

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PAGE 001 OF 001 07/06/2005 5:10:34 PM Eastern Daylight Time FAX 408 971 4660

ZILKA-KOTAB**PC**
ZILKA, KOTAB & PERCETM95 SOUTH MARKET ST., SUITE 420
SAN JOSE, CA 95113TELEPHONE (408) 971-2573
FAX (408) 971-4660**FAX COVER SHEET**

Date: June 7, 2005	Phone Number	Fax Number
To: Petitions Division, USPTO		(703) 872-9306
From: Dominic M. Kotab		

Docket No.: IBM1P008/SJ09-2001-0135US1**App. No: 09/938,457****Total Number of Pages Being Transmitted, Including Cover Sheet: 10****Message:**

Please deliver to the Petitions Division.

Thank you,

Dominic M. Kotab

☐ *Original to follow Via Regular Mail* ☒ *Original will Not be Sent* ☐ *Original will follow Via Overnight Courier*

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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

June 7, 2005

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NOV 07 2005

Practitioner's Docket No. IBM1P008/SJ0920010135US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert G. Biskeborn

Application No.: 09/938,457

Group No.: 11/04/2004

Filed: 08/23/2001

Examiner: Eley, Timothy V.

For: PIN ADAPTER FOR AIR BEARING SURFACE (ABS) LAPPING AND METHOD FOR USING THE SAME

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
— OFFICE ACTION NOT RECEIVED

1. In response to the Notice of Abandonment mailed 6/3/2005, I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
 - (a) The Office Action indicated, as mailed on November 4, 2004, was not received.
 - (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

_ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

_ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

_ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.Date: 6/7/2005

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Withdraw Holding of Abandonment—Office Action Not Received—page 1 of 2

3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. Please see page 2 of Exhibit A. This shows how the entry would have appeared on our docket.

4. As additional evidence of non-receipt of the Office Action, I also attach:

Exhibit B is a copy of the PAIRConnect Patent Record which shows a direct comparison of the PTO Action Items on the PAIR system and the IP Master Actions listed in our docketing database. The PAIR column shows the mailing of the Non-Final Rejection on 11/04/2004, but there is no action noted as received on our side.

5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

6. The petition fee (37 C.F.R. § 1.17(h))—\$130.00 is paid as follows:

Should the Commissioner find that a fee is necessary, authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 09-0466 (Order No. SJ0920010135US1).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner

Dominic M. Kotab

Zilka-Kotab, PC

P.O. Box 721120

San Jose, CA 95172-1120

USA

Reg. No.: 42,762

Tel. No.: 408-971-2573

Customer No.: 50535

NOV 07 2005



Practitioner's Docket No. IBM1P008/SJ0920010135US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert G. Biskeborn

Application No.: 09/938,457

Group No.: 11/04/2004

Filed: 08/23/2001

Examiner: Eley, Timothy V.

For: PIN ADAPTER FOR AIR BEARING SURFACE (ABS) LAPPING AND METHOD FOR USING THE SAME

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

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37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date:

6/7/2005

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. Please see page 2 of Exhibit A. This shows how the entry would have appeared on our docket.

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Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner

Dominic M. Kotab

Zilka-Kotab, PC

P.O. Box 721120

San Jose, CA 95172-1120

USA

Reg. No.: 42,762

Tel. No.: 408-971-2573

Customer No.: 50535

NOV 07 2005

Exhibit A



Patent: IBM1P008, United States, Regular, National,
Original Filing

Patent Data

Docket No	IBM1P008	Senior Attorney	Dominic M. Kotab
Country	United States	Primary Attorney	
Case Type	Regular	Client/Division	International Business Machines
Relation Type	Original Filing	Current Owner	International Business Machines
Filing Type	National	Previous Owner	
Filing Number		Client Case No.	SJ09-2001-0135US1
Status	Filed	First Filing Date	8/23/2001
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	09/938,457	Application Date	8/23/2001
Patent Number		Grant Date	
Publication Number	2003-0040257	Publication Date	2/27/2003
Assigned	Assignment Recorded	Ind. Claims/Designs	0
Convention Type	No Foreign Filing	Total Claims	0
Req Not To Pub Incl	No	Total Classes	
Tax Agent		Confirmation Number	
Firm Attorney		Tax Base Date	
Administrator		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Alt Case No	
Custom Party #6		Priority Date	
Custom Party #7		US Case No	
Custom Party #8		Custom Date #3	
Firm Case Number		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Confirm No	
Customer Code		Customer Name	Silicon Valley IP Group

Title

Pin Adapter For Air Bearing Surface (Abs) Lapping And Method For Using The Same

Description

Current Expense Information

Other Case-Related Information

Actions

Action Code	Action Due Date	Taken Date	Deadline Date	Completed Date	Post Card Received	Who	Action Notes
Recorded Assignment Received				2/28/2002		Dominic M. Kotab	To International Business Machines Corporation

Office Action Mailed Date	9/10/2003	Dominic M. Kotab	
Office Action Mailed Date	1/29/2004	Dominic M. Kotab	
Office Action Mailed Date	4/13/2004	Dominic M. Kotab	
Filing Receipt	1/10/2002	Dominic M. Kotab	
Notice of missing parts mailed	9/26/2001	Dominic M. Kotab	
File Audit Date	10/26/2004		
Notes	5/6/2005		During an ongoing file audit, I found that PAIR showed a Restriction mailed on 11/4/2004. We never received this Restriction. The 6 month date was 5/4/2005.
→ Restriction mail date	11/4/2004	Dominic M. Kotab	If Document had been received ←
Assignment 10/23/2001	11/21/2001	Yes	Dominic M. Kotab (MDC Rule 5/7)
Information Disclosure Statement 10/23/2001	8/30/2001	Yes	Dominic M. Kotab (MDC Rule 6/13a-b)
Filing Receipt 11/23/2001	9/26/2001	Yes	Dominic M. Kotab (MDC Rule 2/52a-53a)
Notice of missing parts - final 11/26/2001	11/21/2001	Yes	Dominic M. Kotab
Publication 2/23/2003	2/27/2003		Dominic M. Kotab (MDC Rule 2/98)
Status Inquiry 8/23/2003	8/5/2003	Yes	Dominic M. Kotab Request for Status (MDC Rule 7/5a-7/13a)
Status Inquiry 10/5/2003	8/19/2003		Dominic M. Kotab This application will be examined in 0-3 months
Status OA? 11/19/2003	9/10/2003		Dominic M. Kotab
Office Action 3 mos. 12/10/2003	11/19/2003	Yes	Dominic M. Kotab Response to Restriction Requirement
Response Due 2/29/2004	2/23/2004		Dominic M. Kotab OA DEADLINE - Shortened Statutory Period
Status OA? 3/10/2004	1/29/2004		Dominic M. Kotab
Office Action 3 mos. 7/13/2004	7/12/2004	Yes	Dominic M. Kotab
Status OA? 7/29/2004	4/13/2004		Dominic M. Kotab
Check PAIR 8/12/2004	7/12/2004		Dominic M. Kotab Confirmed - Confirm receipt of Amendment A
Office Action 6 mos. 10/13/2004	7/12/2004		Dominic M. Kotab
Status OA? 10/13/2004			Dominic M. Kotab
→ Restriction 12/4/2004			Dominic M. Kotab If document had been received ←
Petition to Revive 5/11/2005	5/11/2005		Dominic M. Kotab Re-Docketed - Due to the restriction mailed 11/4/04 that we never received.
Petition to Revive 5/18/2005	5/18/2005		Dominic M. Kotab Re-Docketed- Date has passed- Due to the restriction mailed 11/4/04 that we never received.
Petition to Revive 5/25/2005			Dominic M. Kotab Due to the restriction mailed 11/4/04 that we never received.
Petition to 6/1/2005			Dominic Due to the restriction mailed 11/4/04 that

Revive
Petition to 6/8/2005
Revive

M. Kotab we never received.
Dominic Due to the restriction mailed 11/4/04 that
M. Kotab we never received.

Inventors

Inventor	Custom Text #2	Assignment Date	Inventor Date #2	Inventor 1	Inventor 2	Real Number 1	Real Number 2
Robert Glenn Biskeborn							

Assignment

Assignment1 Reel/Frame Assignment Date
Assignment 012429/0241 1/3/2002

CreateUser: conv
CreateDate: 3/14/2003
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UpdateUser: Melissa
UpdateDate: 5/24/2005

BM1P008

Exhibit B

PAIRConnect Patent Record

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IP MASTER

Case Type: Regular
 Relationship: Original Filing
 Filing Type: National
 Filing #: International Business Machines

Dominic M. Kotab

International Business Machines

Number	Date	Filed
09/838,457	8/23/2001	
2003-0040257	2/27/2003	
Application		
Publication		
Patent		
Expiration Date:		

Pin Adapter For Air Bearing Surface (Abs) Lapping And Method
 For Using The Same

PAIR

Attorney Docket No.: SJ09-2001-0135US1/I
 Confirmation Number: 2227
 Customer Number: 50548

Number	Date
09938457	8/23/2001
US 2003-0040257	2/27/2003
Application	
Publication	
Patent	
Status:	Non Final Action Mailed

Class Sub: 451/008 GAU: 3724
 Examiner: ELEY, TIMOTHY V
 Location: ELECTRONIC

Pre Issue Petition:
 Post Issue Pet.:
 PTO Adjustment:
 PTO Delay:
 Three Year Delay:
 Applicant Delay:
 Total PTA:

PAIR	ADJ	EST
		322
		0
		0
		322

IP Master Actions		Date	PAIR Actions		PAIR	PTO	APP	ADJUSTED	ESTIMATED	PTO	APP	Corrected
												Date
Petition to Revoke		5/18/2005										
Petition to Revoke		5/11/2005										
Notes		5/18/2005										
3/7/2005		Correspondence Address Change										
3/14/2005		Requirement for Restriction / Election										
11/1/2004		Requirement for Restriction / Election										
10/25/2004		Correspondence Address Change										
10/24/2004		Correspondence Address Change										
8/27/2004		Leads Processing by Rejection complete										
8/27/2004		Case Withdrawn / Examined										
7/12/2004		Workflow Incoming amendment IFW										
7/12/2004		Response after Non-Final Action										
7/12/2004		Reference capture on IDS										
7/12/2004		Office Action 6 mos.										
7/12/2004		Office Action 3 mos.										
7/12/2004		Check PAIR										
4/13/2004		Status OA7										
4/13/2004		Office Action Mailed Date										
4/6/2004		Non-Final Rejection										
3/12/2004		Date Forwarded to Examiner										
2/23/2004		Response to Election / Restriction Filled										
2/23/2004		Response Due										
7/29/2004		Mailed Restriction Requirement										
7/29/2004		Status OA7										

5/24/2005 Page 1

PAIRConnect Patent Record

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Office Action Mailed Date	Requirement for Restriction / Election
1/28/2004	Requirement for Restriction / Election
1/27/2003	Date Forwarded to Examiner
11/19/2003	Response to Election / Restriction Filed
11/19/2003	Office Action 3 mos.
9/10/2003	Mail Restriction Requirement
9/10/2003	Status Inquiry
9/10/2003	Status Inquiry
9/10/2003	Publication
9/10/2003	Office Action Mailed Date
9/8/2003	Requirement for Restriction / Election
8/19/2003	Status Inquiry
8/5/2003	Status Inquiry
2/27/2003	Publication
4/22/2002	Case Docketed to Examiner in GAU
2/28/2002	Recorded Assignment Received
1/17/2002	Application Dispatched from OIPE
1/10/2002	Application Is Now Complete
1/10/2002	Filing Receipt
11/21/2001	Notice of missing parts - final
11/21/2001	Assignment
9/26/2001	No Paper Mailed - Application Incomplete Filing Date Assigned
9/28/2001	Correspondence Address Change
9/26/2001	Notice of missing parts mail d
9/26/2001	Filing Receipt
9/26/2001	Correspondence Address Change
8/31/2001	I/PW Scan & PACR Auto Security Review
8/30/2001	Information Discloses Statement
8/23/2001	Initial Exam Team n